

**STATE OF NORTH CAROLINA  
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, November 3, 2008 at 3:30 p.m. in the Commissioners Boardroom, Avery County Administrative Complex, Newland, NC.

Members Present: Kenny Poteat, Chairman; Susan Pittman, Vice-Chairman; Phyllis Forbes; Scott Heath

Members Absent: None

**Call To Order**

Susan Pittman, Vice-Chairman called the meeting to order at 3:36 p.m.

Scott Heath led prayer.

**PUBLIC COMMENTS**

Cleve Young, Plumtree resident, spoke to the Board regarding affordable housing and job opportunities in the County. Mr. Young stated that the people who work in the job related spectrum were moving toward not being able to stay in the County because of the price of homes and land. Mr. Young advised that possibly spot zoning could be considered in this County. Mr. Young explained that he came from a very progressive county in South Carolina and that this County was moving in a direction that eventually the Commissioners would have to take positions that some people would not want and would have to have particular portions of the County moved into potential use categories. Mr. Young said that two things that were possibly keeping affordable housing and job opportunities from occurring are because of the lack of public water and public wastewater treatment. Mr. Young stated that possibly some kind of tax money could be allocated for a public water and sewer. Mr. Young also said that he had banged hard against a wall for 14 years to establish a restaurant that aids the tourism business. Mr. Young advised that 14 months ago that he had put in a microbrewery and winery and that just with the brush of a pen the Commissioners could designate certain spots of the County as growth tourism and would allow him to move outside of being in a “dry” county.

Chairman Poteat entered the meeting at 3:40 p.m.

**Board Appointments**

**Avery Long Term Care Advisory Committee**

Robert Wiseman, County Manager, stated that the term of Jean Franz on the Avery Long Term Care Advisory Committee would expire on December 6, 2008 and Ms. Franz had indicated her desire to be reappointed for an additional three year term. The County Manager advised that she had done an outstanding job in that appointment.

**Motion by Phyllis Forbes and second by Scott Heath to appoint Jean Franz to the Avery Long Term Care Advisory Committee for a term of three years.**

Chairman Poteat stated that Jean Franz was a fine lady and that the County is lucky to have people like her that are willing to serve.

**Motion unanimously approved (4-0).**

**Recess**

Chairman Poteat called for a two minute recess.

**Motion by Susan Pittman and second by Scott Heath to go out of Regular Session and to go into a time of Public Hearing at 3:50 p.m.**

**Motion unanimously approved (4-0).**

**Public Hearing – Adoption of New Flood Plain Maps – Tommy Burleson**

Tommy Burleson, Director of Inspections Department, explained that North Carolina Emergency Management had been doing studies over several years and had prepared a very detailed flood plain study. Mr. Burleson stated that there are maps and grids of the County that had been prepared and also there were grids that overlap in adjoining counties. Mr. Burleson advised that the Board would need to sign a resolution to adopt the new flood plain maps for the unincorporated areas of Avery County and that the effective date of the resolution would be December 2, 2008. Mr. Burleson stated that the last flood map came out in 1990. The new provisions in the flood plain maps will allow citizens to get insurance rates at a more reasonable rate if they build by the ordinance, said Mr. Burleson. Mr. Burleson explained about the required flood elevations and the changes. Chairman Poteat questioned Mr. Burleson if he recommended the Board passing the Resolution for adoption of the New Flood Plain Maps. Mr. Burleson stated that he did recommend passing of the Resolution to keep from being suspended from the National Flood Plain Insurance Corporation. Discussion regarding building in flood plains.

Chairman Poteat advised that the Board would consider the public hearing now closed at 4:07 p.m. and return to Regular session.

**Motion by Susan Pittman and second by Phyllis Forbes to adopt and accept the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, Community Number 370010 for the**

**unincorporated areas of Avery County dated December 2, 2008 and further noted that in the second paragraph to be dated September 28, 1990. Motion unanimously approved (4-0).**

**Tax Collector Report – Mary Daniels**

Mary Daniels, Tax Collector, reported that the total collection for October 2008 was \$1,271,811.56.

**Motion by Phyllis Forbes and second by Susan Pittman to approve the Tax Collector’s report as presented. Motion unanimously approved (4-0).**

**Tax Assessor Report – Phillip Barrier**

**Real and Personal Releases**

Phillip Barrier, Tax Assessor, reported that there was one Real and Personal Release in October 2008 with County Tax being \$520.96 and Fire Tax \$56.24 and the property was rebilled to the correct owner.

**Motion by Phyllis Forbes and second by Susan Pittman to approve the Real and Personal Release for October 2008 as presented.**

Chairman Poteat questioned if the Releases affect the amount that the Fire Commission is forwarded or does it hurt the County’s coffers. Tim Greene, Finance Officer, stated that it came out of the County’s coffers.

**Motion unanimously approved (4-0).**

**Real and Personal Refunds**

The Real and Personal Refunds for October 2008 were County Tax \$367.14 and Fire Tax Refund \$39.63.

**Motion by Susan Pittman and second by Scott Heath to approve the Real and Personal Refunds for October 2008 as presented.**

**Motion unanimously approved (4-0).**

The Tax Assessor stated that he had been watching the sales very closely and for August through October there were qualified sales totaling 44.9 million dollars. Scott Heath questioned if that was what it has been. The Tax Assessor stated that it was a little lower than in previous years.

**Grandfather Mountain – Crae Morton**

Crae Morton, Grandfather Mountain President, spoke to the Board regarding the announcement that 2600 acres of Grandfather Mountain back country had been purchased by the State of North Carolina for a state park. Mr. Morton stated that since the passing of his grandfather, Hugh Morton, that the Morton’s had to take a look at the future of Grandfather Mountain and what would be best for the protection of Grandfather Mountain. Mr. Morton said that he is not against development but there needed to be a balance but was definitely against development on Grandfather Mountain. Mr. Morton advised that the tourist attraction part of Grandfather Mountain would still be operated as usual and basically for the average visitor there will be virtually no difference at all. Mr. Morton stated that one of the treasures of Avery County will be preserved and stay as it is now. Chairman Poteat said that he was pleased that the attraction of Grandfather Mountain will still continue and that he realized Mr. Hugh Morton was a visionary and that this was the right thing to do to protect Grandfather Mountain. Susan Pittman thanked Mr. Morton for what his family has done for Avery County. A citizen questioned Mr. Morton about whether windmills might be located on Grandfather Mountain. Mr. Morton stated that a windmill would definitely be out of place on the mountain but that in the future hopefully technology would come along that would allow the wind to be harnessed without the placement of large windmills on the mountain. Sheriff Kevin Frye thanked Mr. Morton for assisting the Sheriff’s Department with photographs for his department.

**Subdivision Approval – Linville Oaks Subdivision – Loretta Smith**

Loretta Smith, Ordinance Administrator, stated that the Avery County Planning Department and Avery County Planning Board is submitting Linville Oaks Subdivision for final approval. Linville Oaks Subdivision is located at the end of Haas Hartley Road in the Linville Township. The overall project consists of approximately 34 acres with the minimum lot size being 1.216 acres and the maximum lot size 3.231 acres. The property will have individual wells and septic systems. This site has been visited by Keith Forbes, Acting Chief of the Linville Volunteer Fire Department and has been approved for access.

**Motion by Susan Pittman and second by Phyllis Forbes to approve the Linville Oaks Subdivision for final approval. Motion unanimously approved (4-0).**

**County Manager Updates – Robert Wiseman**

**Avery Rabies Action Team**

Robert Wiseman, County Manager, stated that by the time of the next meeting there would be a document for the Board’s perusal creating the Avery County Rabies Action Team. Jesse Greene, Toe River Health Director, is ensuring that the document has all the general statutes taken into consideration that would best serve the counties purposes, said the County Manager.

#### Banner Elk Day Care Property

The County Manager advised that the Banner Elk Day Care Property had been declared surplus and it was decided to get a certified appraisal on the Banner Elk Day Care Property but the certified appraisal had been put on hold because the way the Banner Elk Day Care Property is zoned it cannot be sold for highest and best use; it has a zoning classification of governmental office and this is a very restrictive zoning.

The County Manager stated that he had been in contact with Hospice regarding purchasing either one of the properties, i.e. Banner Elk Day Care Center or the Puckett Property and Mary Ellen Shea, Director of Avery County Hospice, advised that she would speak to the Board of Directors for Avery County Hospice. The County Manager advised that it was his understanding that this property would not be a gift to Hospice but would be sold at fair market value. The County Manager said that he had followed up with several individuals regarding this issue and what would need to happen first is to obtain a certificate of need which is a very lengthy process possibly up to two years. The County Manager advised that this would be a great thing but he felt it would be an uphill battle and that he would know more after the Board of Directors for Hospice met in the near future. Phyllis Forbes suggested that the County Manager could get in touch with some other counties such as Caldwell County and research how that County went about getting a Hospice House. Scott Heath questioned what was involved in applying for rezoning. The County Manager answered that an application would need to be presented to the Board and then a couple of public hearings held which would possibly be a 45 day process.

#### Puckett Property

The County Manager advised that he was awaiting the appraisal on the Puckett Property.

#### New Banner Elk School

The County Manager stated that he met with the staff at the Avery County Board of Education, Dr. Eades, Ms. Jaynes, Danny Clark and the architectural firm and looked at the foot print for the new Banner Elk School and during the discussion changes were suggested and observations made. The County Manager advised that in the near future a special meeting with the Board of Education and Board of Commissioners would be in order to make sure everyone was on the same page.

#### Jail Design

The County Manager reported that the architects and the consulting team had been meeting on the jail design and that he felt the County made a good move in hiring the jail consultant firm because they were extremely critical of the plans and that this may impede the process but the finished project would reflect the time and money to be well spent. Scott Heath questioned if there was a floor plan for the jail. The County Manager answered that there were very basic floor plans and that the jail consultant went over the plans and had numerous suggestions in regards to the basic floor plans. The County Manager stated that the County needed between 50 to 70 beds and the current jail had 19 beds. Sheriff Frye advised that there were on the average 28 persons housed in the jail per day and that he has had to send prisoners to other counties to be housed.

#### Grants – Sheriff’s Department – Troy Cook

Troy Cook, Detective for Avery County Sheriff’s Department, spoke to the Board about applying for two grants through the Governor’s Crime Commission. Both grants require a 25% local match. The first grant is a Drug Investigation Overtime/Equipment grant in the amount of \$20,000 and the grant money would be available July 1, 2009, said Mr. Cook. The second grant is the Domestic Violence Investigator position which is Detective Natalie Cook’s position. The grant was received this year and the Domestic Violence Investigator car was used as an in-kind match but for the application of next year’s grant, office space and other expenses would need to be used but would not total the 25% match so money would have to be used. The County Manager stated that the process needed to be started now to receive the grant for the next budget year.

#### **Motion by Susan Pittman and second by Phyllis Forbes to allow the Sheriff’s Department to apply for a grant for Drug Investigation Overtime/Equipment.**

Scott Heath questioned if all grants were approved. Troy Cook stated that the grants that required a local match were approved by the Board.

Sheriff Frye advised that Mr. Cook had been very diligent in seeking out grants that did not require a local match.

**Motion unanimously approved (4-0).**

Chairman Poteat questioned if the Domestic Violence Investigator position was filled at this time. Mr. Cook stated that this position had been in place since December 2006 with the current Sheriff’s department and it is currently funded through June 30, 2008. Chairman Poteat questioned what the current total salary with fringe benefits was for the Domestic Violence Investigator. Tim Greene, Finance Officer, stated that salary plus fringes would total \$50,000. The Finance Officer advised that the 25% match would be approximately \$15,000. Sheriff Frye said that if he did not get the grant that he would ask for this position in the budget and that he needed this position because the Domestic Violence Investigator investigated child abuse cases, rape cases, etc.

**Motion by Susan Pittman and second by Phyllis Forbes to allow the Sheriff's Department to apply for a grant to fund the Domestic Violence Investigator position for the coming fiscal year. Motion unanimously approved (4-0).**

**National Alliance of Mental Illness (NAMI)- Sheriff Kevin Frye**

Sheriff Kevin Frye spoke to the Board regarding a report from the National Alliance of Mental Illness regarding mental transports. Sheriff Frye reported that 87% of the counties in North Carolina reported an increase in the amount of transports for involuntary commitments. Sheriff Frye stated that Avery County Sheriff's Department had transported involuntary commitments all the way to the coast of North Carolina because of no facilities available any closer and there had also been a need for deputies to be stationed at Cannon Hospital for 2-3 days until mental transports could be relocated. Sheriff Frye advised that the median number of transports for Avery County is approximately 4 transports for 1000 people and the two highest counties after population adjustment is Avery County at 27.5 per 1000 and Halifax at 12.9 per 1000. Sheriff Frye stated that Avery County did twice the amount of mental transports than the highest county and seven times higher than the state median average. Sheriff Frye advised that the cost analysis with an hourly rate of \$15.00 per hour based only on the deputies' hours showed that Avery County spent \$90,000 last year. Sheriff Frye stated that the reason for spending \$90,000 last year was the overtime required for these mental transports and that this study is not taking in effect that sometimes two officers would be sent especially if the mental transport is a female. Susan Pittman questioned if the mental health facility at Cannon Hospital had been opened. Sheriff Frye answered that the mental health facility was open and contained 10 beds. Discussion regarding mental health facilities. Chairman Poteat stated that the bottom line is the Sheriff wanted to inform us of the tremendous expense incurred with the mental transports. Sheriff Frye advised the Board that he would be asking for a transport officer next year that would save the County a lot of money in overtime expenses.

**Kevin Lane Position – Sheriff Kevin Frye**

Sheriff Frye stated that Kevin Lane, Deputy for Avery County Sheriff's Department, had gotten his orders to be shipped out to Iraq in December. Sheriff Frye advised that Kevin Lane would be using his vacation and holiday time through the month of December. Sheriff Frye said that when the vacation and holiday time for Kevin Lane ran out in January that he would need to replace him with a temporary officer and that would probably save the County money because the replacement would come in at a starting officer's salary. Sheriff Frye stated that Mike Smith had shown interest in this position.

Sheriff Frye advised that he was very proud of his detectives and the jobs that they were doing with recovering stolen property and the department is 3 times higher than the state average on recovering stolen property.

**Secure Rural Schools and Communities Act**

The County Manager stated that back in 1908 the Federal Government enacted legislation that would give Counties which have Federal lands what was known as a payment in lieu of taxes. This was a percentage of the revenue generated off of these lands such as timber sales, grazing, etc and this was 25%. Over time those revenues have declined drastically so the Secure Rural Schools and Communities Act is meant to bolster up the revenues and the County can take a percentage or a flat rate. The County will come out much better taking the safety net, stated the County Manager. The County Manager advised that this money goes to the school to use as they see fit.

**Motion by Phyllis Forbes and second by Scott Heath to adopt the Resolution Full Safety Net Payment amount. Motion unanimously approved (4-0).**

**Avery Airport Authority – Ed Banta**

Ed Banta, Avery Airport Authority, came to the Board to request an advance from the Board for monies to pay an invoice of \$72,350.00 that would be reimbursed to the County within 30-45 days. Mr. Banta stated that with these specific grants the invoice had to be paid and then the money would be reimbursed. These specific grants would pay for a Weather Observation Station. Phyllis Forbes questioned if the reimbursement was guaranteed. Mr. Banta answered that the reimbursement was guaranteed. Tim Greene advised that the Avery Airport Authority had budgeted for the 10% needed for the grant and that the \$72,350.00 would be paid back to the County in full.

**Motion by Scott Heath and second by Susan Pittman to approve a budget amendment of \$72,350.00 to cover an advance from the Avery County Board of Commissioners to apply to Grant # 36244.8.3.1, PAPI Installation & Super AWOS. Motion unanimously approved (4-0).**

**Finance Officer Report – Tim Greene**

**Budget Amendment # A09-13**

The Avery County Sheriff's Department has received a \$7,100 grant from the United States Department of Justice for bullet proof vests. The grant requires a 50% match.

**Motion by Phyllis Forbes and second by Scott Heath to approve a Fund Balance Appropriated (103990.0000) Debit of \$3,550.00 and U.S. Dept. Of Justice Grant (103614.0000) Credit of \$3,550.00. Motion unanimously approved (4-0).**

**Budget Amendment # A09-14**

The Department of Social Services has received some additional funds for Crisis Intervention that is 100% Federal money; no county money.

**Motion by Phyllis Forbes and second by Susan Pittman to approve a Debit of \$13,511.00 to Crisis Intervention (6800.6090) and Credit of \$13,511.00 to County Welfare (3634.0000) in Federal Grant Monies for Crisis Intervention Program allocation. Motion unanimously approved (4-0).**

**Budget Amendment # A09-15**

The E-911 is requesting a budget amendment in the amount of \$21,300. This is to cover the mapping program that was approved in the 2007/2008 budget. Due to GIS data problems, this took longer to complete than its original scheduled date. This would be from the Wireless Capital Fund. Mr. Greene stated that it was inadvertently not budgeted for this year because it was thought that the project would have been completed before this budget year. Scott Heath questioned if the money ever went into fund balance as an overage. Mr. Greene stated that it did not. This program is to get E911 into compliance.

**Motion by Scott Heath and second by Susan Pittman to approve a Budget Amendment Debit of \$21,300 Wireless Capital Fund (22-6600-7435) and Credit of \$21,300 Fund Balance Appropriated (22-3900-0000). Motion unanimously approved (4-0).**

**County Attorney Report – Michaelle Poore**

Michaelle Poore, County Attorney, stated that she had one matter that the Board needed to act on which was Land Transfer Tax and Resolution that was passed on Thursday. The County Attorney advised that she wanted the Board to revote on this and have a Resolution at the regular scheduled meeting today showing that the Board authorized the implementation of the request to the Board of Elections for the special election.

**Motion by Susan Pittman and second by Phyllis Forbes to authorize the Land Transfer Tax Resolution request for the special election for the Board of Election. Motion unanimously approved (4-0).**

Chairman Poteat thanked Susan Pittman for her service to Avery County for 8 years. Chairman Poteat stated Ms. Pittman was a tremendous board member. Ms. Pittman thanked the Board and stated she enjoyed serving the citizens of Avery County.

**Approval of Minutes**

**Motion by Susan Pittman and second by Phyllis Forbes to approve the minutes for the joint meeting with the Board of Education September 15, 2008; Regular Session Minutes October 6, 2008.**

**Upcoming Meetings**

There will be a special meeting on November 10, 2008 at 3:30 p.m. regarding the Land Transfer Tax.

**Adjourn**

Motion by Susan Pittman and second by Scott Heath to adjourn at 6:00 p.m. Motion unanimously approved (4-0).

---

**Kenny Poteat, Chairman**

**Avery County Board of Commissioners**

ATTEST: \_\_\_\_\_

Cindy Turbyfill, Clerk

